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FUTURE MOTION, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLTAND DIVISION

FUTURE MOTION, INC.,

Plaintiff,

v.

TONY LAI, an individual doing business
as FLOATWHEEL,

Defendant.

Case No. 3:23-cv-01742-AR

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR *EX
PARTE* TEMPORARY
RESTRAINING ORDER SETTING
HEARING DATE FOR MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiff Future Motion, Inc. (“Future Motion”) has moved *ex parte* for a
Temporary Restraining Order and a Preliminary Injunction, pursuant to Federal Rules of
Civil Procedure, Rule 65, the Patent Act, 35 U.S.C. § 283, and Civil Local Rule 7.

Future Motion alleges that Defendant Tony Lai, doing business as Floatwheel
 (“Floatwheel”) is promoting, offering to sell, and selling products branded as the
 “Floatwheel Adv” and “Floatwheel Adv Pro” models of self-balancing electric
 skateboards, including online through the e-commerce website www.floatwheel.com,

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which directly infringe Future Motion's U.S. Pat. Nos. 9,598,141 ("the '141 Patent"), 10,456,658 ("the '658 Patent"), 11,273,364 ("the '364 Patent"), and 11,590,409 ("the '409 Patent") (collectively the "Asserted Patents").

Future Motion further alleges that Defendant is producing and publishing videos, currently including at least the 43 videos listed in Complaint Exhibit I (Dkt. No. 01-09), to Defendant's video channel www.youtube.com/floatwheel, which induce infringement of the Asserted Patents.

Future Motion further alleges that Defendant has willfully copied Future Motion's patented technology, and that Future Motion will be irreparably harmed if the Court does not provide immediate injunctive relief to stop Defendant's infringing activities for at least the duration of the holiday shopping season.

The Court, having duly considered Future Motion's Complaint, Motion for *Ex Parte* Temporary Restraining Order and Preliminary Injunction and Memorandum of Points and Authorities in support thereof, along with the declarations and exhibits submitted therewith, makes the following preliminary findings and conclusions:

1. This Court has jurisdiction over this matter and over the Defendant. In addition, this Court is a proper venue for this action, and the Defendant has been properly served or will be served as discussed more fully herein.

2. Future Motion is likely to succeed in showing that the Asserted Patents, appended to the Complaint as Exhibits A-D respectively, are owned by Future Motion, are valid, and are enforceable, and that Defendant has promoted and is making, offering

for sale, selling and/or importing into the United States products that infringe each of the Asserted Patents.

3. Specifically, Future Motion is likely to succeed on the merits of its patent infringement claims against Defendant's Floatwheel Adv and Floatwheel Adv Pro products and colorable imitations thereof (the "Accused Products").

4. It appears to the Court that Defendant is a China-based manufacturer of commercial products that does not have a regular place of business or assets in the United States, and that has taken significant measures to mask its identity and physical location. It also appears likely that, despite notice of this action, absent a grant of the requested relief Defendant will continue to market the infringing products and sell those products to customers in the United States.

5. Absent an *ex parte* temporary restraining order, Defendant's promotion and offers for sale of the Accused Products will result in immediate and irreparable injury to Future Motion in the form of lost market share, loss of control over its valuable intellectual property rights, loss of consumer goodwill, and interference with Future Motion's ability to exploit the Asserted Patents, including during the remainder of the 2023 holiday shopping season. Further, because Defendant has no apparent presence in the United States, it may be difficult or impossible for Future Motion to recover a monetary judgment against Defendant.

6. It appears to the Court based on Future Motion's representations that Future Motion has made reasonable efforts to notify Defendant of its infringement and the

likelihood that Future Motion would seek court intervention, including service of the Complaint, Summons, and related court documents by email to tony@floatwheel.com, as this Court authorized, but that Defendant has not responded to Future Motion's communications.

7. The harm to Future Motion in denying the requested temporary restraining order outweighs the harm to the legitimate interests of Defendant from granting such relief.

8. The public interest weighs in favor of granting Future Motion the requested temporary restraining order.

9. Despite a previous permanent injunction, Defendant has launched and is selling new infringing products, evidencing Defendant's willful patent infringement alleged in the Complaint by virtue of Defendant's e-commerce sales through www.floatwheel.com and presentation of videos through www.youtube.com/floatwheel. To prevent irreparable harm to Future Motion, the Court believes it is appropriate to prevent Defendant from continuing to sell its infringing products and from continuing to induce infringement through its instructional videos. Because of the holiday shopping season extending through approximately December 25, 2023, irreparable harm to Future Motion can only be mitigated if this relief is granted immediately, without delaying to provide Defendant with an opportunity to appear.

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TEMPORARY RESTRAINING ORDER

IT IS HEREBY ORDERED that pending a decision by the Court on Future Motion's application for a preliminary injunction, Defendant and its officers, agents, servants, employees, and attorneys, and all other persons acting in active concert or participation with any of them, are hereby immediately, temporarily restrained from infringing Future Motion's Asserted Patents through continuing sales of Defendant's Floatwheel Adv and Floatwheel Adv Pro products, or through continuing availability of Defendant's instructional videos that induce infringement. Specifically, Defendant is hereby temporarily restrained from:

1. Making, using, selling, offering to sell, and importing into the United States commercial products that infringe U.S. Pat. No. 9,598,141, U.S. Pat. No. 10,456,658, U.S. Pat. No. 11,273,364, or U.S. Pat. No. 11,590,409, including but not limited to Defendant's "Floatwheel Adv" and "Floatwheel Adv Pro" products and colorable imitations thereof, by offering to sell or selling such products to customers in the United States in any manner, including but not limited to advertising or selling the products through the website www.floatwheel.com;
2. Processing any payment (regardless of how the payment is made) for the sale of any of the accused products identified or encompassed by paragraph 1 above; or

3. Producing, distributing, disseminating, or continuing to make publicly available any instructional video that induces infringement of U.S. Pat. No. 9,598,141, U.S. Pat. No. 10,456,658, U.S. Pat. No. 11,273,364, or U.S. Pat. No. 11,590,409, including but not limited to the 43 videos listed in Exhibit I to Future Motion's Complaint filed in this action, through any channel including but not limited to www.youtube.com/floatwheel.

IT IS HEREBY FURTHER ORDERED that, in accordance with the Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, any web hosting company, domain name registry, and/or domain name registrar having notice of the Court's Order must (1) take any and all action necessary to remove the infringing products from websites having content controlled by Defendant, or alternatively to disable access to the website; and (2) provide notice of compliance to Future Motion's counsel within five (5) business days of receipt of notice of this Order. Specifically:

4. GoDaddy.com, LLC, the Registrar of record for Defendant's internet domain www.floatwheel.com, and any other Registrar of record of the domain www.floatwheel.com, must promptly upon receipt of a copy of this Order disable public access to the domain www.floatwheel.com until further notice;
5. Shopify, Inc., the provider of Defendant's e-commerce platform hosted on www.floatwheel.com, and any other e-commerce platform provider for Defendant, must promptly upon receipt of a copy of this Order disable the e-

commerce features relating to sales of the Floatwheel Adv and Floatwheel Adv Pro products at www.floatwheel.com, including but not limited to disabling the “Add to Cart” and “Buy it now” features on the web pages

<https://www.floatwheel.com/products/floatwheel-adv> and

<https://www.floatwheel.com/products/floatwheel-adv-pro>, until further notice;

6. Google LLC, doing business as YouTube, must promptly upon receipt of a copy of this Order disable public access to all instructional videos teaching viewers how to make and/or use a product that infringes Future Motion’s patents, including but not limited to the following videos currently hosted at the YouTube channel <https://www.youtube.com/floatwheel> and listed in Exhibit I to Future Motion’s Complaint in this action:

Video Title	URL
1. GT tear down analysis and Floatwheel ADV gen2 electronics anouncement	https://www.youtube.com/watch?v=mMmFAHLbMC0
2. floatwheel adv brittle plastic issue FIXED	https://www.youtube.com/watch?v=9LcKbMFgn1E
3. floatwheel adv motor installation & delivery setup tutorial	https://www.youtube.com/watch?v=1ZhOdkb2qyk
4. Riding from day to night with floatwheel adv pro!	https://www.youtube.com/watch?v=Y-qFnJ3deHw
5. tiny Production upgrade (big)	https://www.youtube.com/watch?v=5MZHpRchchU

6. The wait is over (sort of)	https://www.youtube.com/watch?v=qaeIEgs2Jys
7. Why adv pro is taking forever to manufacture (painful to watch)	https://www.youtube.com/watch?v=akyyxZhbH5Y
8. Drop test of floatwheel adv	https://www.youtube.com/watch?v=-sCwibTIqrk
9. Anyone can nudge a curb on adv	https://www.youtube.com/watch?v=HfflV5lrfHk
10. Another day another lunch break	https://www.youtube.com/watch?v=5RlI60EQMYE
11. floatwheel adv ridding footage (with BGM)	https://www.youtube.com/watch?v=NW7rCTiZXrY
12. Big lunch break with floatwheel adv	https://www.youtube.com/watch?v=BYTIdGINFAQ
13. Final assembling kicks off.	https://www.youtube.com/watch?v=EkOF892mdO4
14. Moon color look fantastic	https://www.youtube.com/watch?v=LuyxmLLzU5g
15. Stuff we been doing for the last 2 weeks (plastic)	https://www.youtube.com/watch?v=XTWJ3ruRcig
16. Battery box deformation issue solved!	https://www.youtube.com/watch?v=LzoeQ4zxIX0
17. Plastic, Plastic, Plastic!	https://www.youtube.com/watch?v=eITfQMc-bnQ
18. I built a dyno today	https://www.youtube.com/watch?v=iSg2wG5avcY
19. floatwheel shipping date update!	https://www.youtube.com/watch?v=UCwQoV7gzhQ
20. tiny production update on adv.	https://www.youtube.com/watch?v=gfj_LDslXuI

21. The motor plug gets a new design	https://www.youtube.com/watch?v=ElkWXXkhdG4
22. motor controller done, BMS under first piece test	https://www.youtube.com/watch?v=aCToDHqGuWQ
23. Late night factory vibe	https://www.youtube.com/watch?v=MyWkUXYjCzU
24. floatwheel adv production update #5	https://www.youtube.com/watch?v=hLzFlvQ9t8c
25. floatwheel production update #4	https://www.youtube.com/watch?v=qIVxP8HJ-xk
26. Programing the CNC machine	https://www.youtube.com/watch?v=d7Bu0G-qxbM
27. Production Jig for the Cannoncore motor	https://www.youtube.com/watch?v=Ts8zXcqtCpQ
28. Quick Floatwheel adv production update #3	https://www.youtube.com/watch?v=KVVdw4R3q-w
29. Floatwheel adv production process update #2	https://www.youtube.com/watch?v=y9q8N-fWJls
30. floatwheel adv Production progress update	https://www.youtube.com/watch?v=L5daMNC9O3M
31. floatwheel adv PCBA and parts came in	https://www.youtube.com/watch?v=7nYddKzwNGQ
32. floatwheel adv wheel hub out of injection die casting mould and goes under check	https://www.youtube.com/watch?v=0aTALzB_V2U
33. floatwheel adv prototype riding footage	https://www.youtube.com/watch?v=M5DG8slexnA
34. LOTS of capacitors	https://www.youtube.com/watch?v=5AdEfGKC_4Y

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35. floatwheel adv ESC layout analysis and Structure demo	https://www.youtube.com/watch?v=nQ1EtY-De_U
36. Floatwheel ADV footsensor compare to onewheel GT and XR	https://www.youtube.com/watch?v=Z42CZ5JVQPg
37. floatwheel adv Internals Sneak Peek and water proof check	https://www.youtube.com/watch?v=f6QTeFkIYd0
38. Introducing floatwheel adv series	https://www.youtube.com/watch?v=fKGFqEQG474
39. floatwheel Event 2022	https://www.youtube.com/watch?v=Pvsr2DtOazI
40. Step1 how to calibrate your IMU	https://www.youtube.com/watch?v=7-vp6sW2VQE
41. Unbox the float kit and build it up	https://www.youtube.com/watch?v=VTAmc-8gKYs
42. I made a new DIY onewheel kit that you can build at home	https://www.youtube.com/watch?v=1uj8-vymKmE
43. DIY onewheel indepth tutorial + ridding [sic] demo	https://www.youtube.com/watch?v=kYdCT2ZLhbU

IT IS HEREBY FURTHER ORDERED that Defendant may, upon proper showing, appear and move for dissolution or modification of the provisions of this Order.

ADDITIONAL ORDERS

IT IS HEREBY FURTHER ORDERED that Future Motion shall post a bond of \$5,000. To the extent Defendant believes that a higher bond is necessary pursuant to Rule 62(c), Defendant

shall file an application to the Court and provide notice to counsel for Future Motion by Friday, Dec. 22, 2023.

IT IS HEREBY FURTHER ORDERED that a preliminary injunction hearing is set for Thursday, Dec. 28, 2023 at the hour of 10:00 a.m., in Courtroom 15B before the Honorable Michael H. Simon, U.S. District Judge.

Defendant shall file and serve any opposition to Future Motion's motion for a preliminary injunction by Friday, Dec. 22, 2023.

Future Motion shall file and serve any reply in support of their motion for a preliminary injunction by Wednesday, Dec. 27, 2023, not later than 2:00 p.m.

IT IS HEREBY FURTHER ORDERED that this Order must be served upon Defendant via e-mail to the e-mail address tony@floatwheel.com provided by Defendant on its website (<https://www.floatwheel.com/pages/support>), as previously authorized by this Court.

IT IS SO ORDERED.

DATED this 15th day of December, 2023, at 11:00 a.m.



UNITED STATES DISTRICT JUDGE/
UNITED STATES MAGISTRATE JUDGE
Michael H. Simon
U.S. District Judge